

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GEORGE AVALOS, an individual,  
Plaintiff,  
v.  
2428392 Inc., et al.,  
Defendants.

Case No. 1:20-cv-01702 NONE JLT

ORDER TO THE PLAINTIFF TO SHOW CAUSE  
WHY SANCTIONS SHOULD NOT BE IMPOSED  
FOR FAILURE TO PROSECUTE THE ACTION;  
ORDER CONTINUING THE SCHEDULING  
CONFERENCE

The plaintiff filed this action on December 3, 2020 (Doc. 1), and the Court issued the summons the same day (Doc. 3). In the Order Setting Mandatory Scheduling Conference (Doc. 4), the Court ordered,

The Court is unable to conduct a scheduling conference until defendants have been served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue service of summons and complaint and dismiss those defendants against whom plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and complaint so the Court has a record of service. Counsel are referred to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint. Failure to timely serve the summons and complaint may result in the imposition of sanctions, including the dismissal of unserved defendants.

Id. at 1. Nevertheless, though the plaintiff has served the corporation, he has failed to file any proof of service on Gene Marchi, and he has not appeared in the action. Therefore, the Court **ORDERS:**

1. The scheduling conference is **CONTINUED** to April 9, 2021 at 8:30 a.m.

2. Plaintiff SHALL file proof of service on Gene Marchi or a voluntary dismissal of this defendant no later than March 5, 2021.

The plaintiff is advised that the failure to comply with the Court's orders will result in a recommendation that the matter be dismissed.

IT IS SO ORDERED.

Dated: February 19, 2021

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE